THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.25830 of 2005

ORAL ORDER:

This writ petition is filed challenging the notification issued by the respondent in RCF.No.2035/05 dated 22.11.2005 for filling up the vacancy of fair price shop dealer of Mustla Gangavaram village, Kurichedu mandal, Prakasam district.

It appears, the petitioner was appointed as a temporary dealer of Mustla Gangavaram village in the month of August 1994. While so, the respondent issued notification dated 22.11.2005, published in the newspaper on 28.11.2005, calling for applications for filling up the vacancy of fair price shop dealer of Mustla Gangavaram village. The said vacancy was reserved for Scheduled Tribe category.

According to the petitioner, the fair price shop of Mustla Gangavaram village was under General Category, therefore, even now the shop could have been earmarked for the general category. The issuance of notification is contrary to the guidelines envisaged in G.O.Ms.No.53 dated 6.10.2003 for appointment of fair price shop dealer in the Scheduled Tribe category. In the Scheduled Tribes category, there are already 53 shops, which exceed 6% reservation, therefore, reserving the Mustla Gangavaram village for Scheduled Tribe category is arbitrary and illegal.

The respondent filed a detailed counter denying the allegations made by the petitioner. It is asserted that the petitioner was appointed as a temporary fair price shop dealer of Mustla Gangavaram village and her appointment was purely temporary and she has no right for being confirmed in the said vacancy. Moreover, she was also not issued with valid authorisation. The impugned notification was issued in consonance with the guidelines issued in G.O.Ms.No.53 dated

6.10.2003. The rule of reservation was strictly followed as per the percentage of reservation to Scheduled Tribe category in the division. The fair price shop of Mustla Gangavaram village was notified in the Scheduled Tribe category as there are several Scheduled Tribe families residing in the said village. In all, there are 707 fair price shops in Kandukur division, out of these shops, 550 shops were filled with permanent dealers and the remaining 157 shops are run by temporary/incharge dealers. The vacancies that are available for filling up the vacancies to various categories are as under:

S.No.	Category	Percentage of Reservation prescribed by Govt. at Division level	The reservation has to be observed in the Division as per Govt. Orders	Category wise now appointed	Balance to be filled up
1.	Scheduled Castes	15%	106	98	8
2.	Scheduled Tribe	6%	42	7	35
3.	Backward Classes	25%	177	82	95
4.	Physically Handicapped	3%	21	14	7
5.	General Category	51%	361	349	12
			707	550	157

Since there are 35 backlog vacancies to be filled up in the Scheduled Tribe category and there are several Scheduled Tribe families residing in the Mustla Gangavaram village, the fair price shop of Mustla Gangavaram village was notified for Scheduled Tribe category.

As seen from the above, the backlog vacancies available to the general category are 12, whereas, the backlog vacancies to be filled in the category of Scheduled Tribe are 35 and since there are some

Scheduled Tribe families residing in the village, in the facts and circumstances of the case, the respondent has taken a decision to notify the vacancy of Mustla Gangavaram village for Scheduled Tribe category. I am of the opinion that the decision taken by the respondent authorities in notifying the vacancy for Scheduled Tribe category is neither arbitrary nor illegal much less contrary to the guidelines issued in G.O.Ms.No.53 dated 6.10.2003. The respondent has furnished the statistical details with regard to the decision taken for reserving this particular vacancy for Scheduled Tribe category.

For all the foregoing reasons, the writ petition is devoid of merits and liable to be dismissed and accordingly dismissed. No order as to costs.

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C.V.RAMULU, J

Date: 2.11.2006

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THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.25830 of 2005

2.11.2006

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.25830 of 2005

Date: 2nd November, 2006

Between:

Smt.M.Imambi

.. Petitioner

And

Revenue Divisional Officer,
Kandukuru, Prakasam district.

.. Respondent